

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 JAN -7 AM 11:50

UNITED STATES OF AMERICA )

V. )

Martin Cunningham )

Magistrate's Case No. **08 MJ 0047**

**COMPLAINT FOR VIOLATION  
OF 18 USC, Section 922(g)(1) –  
felon in possession of firearms**

The undersigned complainant being duly sworn states:

**COUNT 1**

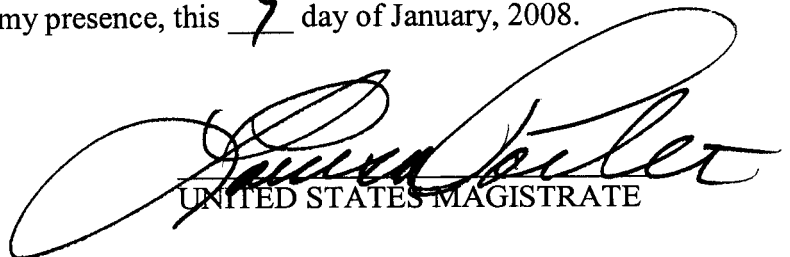
On January 5, 2008, within the Southern District of California, defendant Martin Cunningham, a convicted felon, did possess five firearms that traveled in and affected interstate commerce; in violation of 18 United States Code, Section 922(g)(1).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Special Agent Matthew Beals  
Bureau of Alcohol, Tobacco  
Firearms and Explosives

Sworn to before me and subscribed in my presence, this 7 day of January, 2008.

  
UNITED STATES MAGISTRATE

United States

v.

Martin Cunningham

**Probable Cause Statement**

**OVERT ACTS**

In violation of the aforementioned statutes the following acts were committed in the District of Arizona and the Southern District of California:

On January 5, 2008, Special Agent (SA) Matt Beals observed Martin CUNNINGHAM and another individual, later self-identified as Ruben GONZALEZ, shopping for firearms at a gun show in Yuma, Arizona. SA Beals observed GONZALEZ purchase multiple handguns from one Federal Firearm Licensee (FFL). GONZALEZ gave CUNNINGHAM the firearms immediately after purchasing them. SA Beals observed CUNNINGHAM and GONZALEZ continue to shop while CUNNINGMAN possessed the firearms. CUNNINGHAM and GONZALEZ eventually departed the gun show, while CUNNINGHAM was still carrying the firearms GONZALEZ provided him with. CUNNINGHAM and GONZALEZ proceed to the parking lot where they entered a Honda Civic bearing California license plate 6AVF896. CUNNIGHAM and GONZALEZ were eventually observed leaving Yuma, Arizona, headed west on Interstate 8 toward San Diego, California.

At a California Department of Agriculture checkpoint located in Winterhaven, California, SA Beals conducted a consent search of the aforementioned vehicle. The search revealed five firearms, to wit: three Walther, model P22, .22 caliber, pistols, serial numbers L195555, L195717 and L198028, one Glock, model 17, 9mm pistol, serial number ZR605US and one AMT, model Backup, .380 caliber, pistol, serial number DA5787.

On the same date as above, SA Beals reviewed the aforementioned firearms and determined that the Glock and Walther firearms were not manufactured in California. Therefore, the firearms traveled in and affected interstate commerce by their presence in the State of California. SA Beals also determined that the AMT firearm was manufactured in California. However, because CUNNINGHAM and his associate purchased the firearm in Arizona and transported it to California, it too traveled in and affected interstate commerce.

On the same date as above, a query of the National Crime Information Center (NCIC) revealed that on May 27, 2003, CUNNINGHAM received a felony conviction for

violating California Health and Safety Code 11359 – possession of marijuana for sales. CUNNINGHAM also confessed that he plead guilty and was sentenced in State court for the aforementioned offense.